

Notice of Allowability

Application No.

09/506,430

Examiner

David Lukton

Applicant(s)

GREEN ET AL.

Art Unit

1653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/12/04.
2. ☒ The allowed claim(s) is/are 18-35, 39-43, 45, 47-63, 67-71, 73.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20041101.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Pursuant to the directives of the response filed 10/12/04, claims 18 and 22 have been amended, claims 36-38, 44, 46, 64-66, 72 cancelled, and claim 73 added. Claims 18-35, 39-43, 45, 47-63, 67-71, 73 are now pending. Pursuant also to the following Examiner's Amendment, the pending claims are now allowable.



The terminal disclaimer filed on 10/12/04 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of the following US Patents has been reviewed and is accepted: 5,902,790 and 6,096,713. The terminal disclaimer has been recorded.



An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.

- In claim 28, line 2, delete "about".
- In claim 28, line 3, delete "about".
- In claim 29, line 2, delete the word "about" (both occurrences).

- In claim 30, line 2, delete the word "about".
- In claim 56, line 2, delete "about".
- In claim 56, line 3, delete "about".
- In claim 57, line 2, delete the word "about" (both occurrences).
- In claim 58, line 2, delete the word "about".

Authorization for this Examiner's Amendment was given in a telephone conversation with Deborah Yellin on 10/27/04.

. . .

This Examiner's Amendment also directs a correction to the continuity status on page 1 of the specification. The preliminary amendment filed 2/17/00 directed that the first paragraph on page 1 of the specification be deleted and replaced with a continuity status that made reference to applications 09/260190, 08/614764 and 08/538701.

Accordingly, **delete the preliminary amendment** (of page 1, paragraph 1, specification) filed 2/17/00 and **substitute therefor** the following:

- - This application is a continuation of 09/260190, filed 3/1/99, now US Patent 6,096,713. Application 09/260190 is a continuation of application 08/614764, filed 3/13/96, now US Patent 5,902,790. Application 08/614764 is a continuation of application 08/538701, filed 10/3/95, now abandoned. Application 08/538701 is a continuation-in-part of application 08/278463, filed 7/21/94, now abandoned. Application 08/278463 is a continuation-in-part of 08/401653 filed 3/9/95, now abandoned, and a continuation-in-part of 08/257495 filed 6/7/94, now abandoned,

Serial No. 09/506,430
Art Unit 1653

-4-

and a continuation-in-part of 08/370838 filed 1/10/95, now abandoned, and a continuation-in-part of 08/075842 filed 6/10/93, now abandoned. Application 08/075842 is a continuation of 07/678129 filed 4/1/91, now abandoned. Application 08/257495 is a continuation of 07/783518, filed 10/28/91, now abandoned, which is a continuation-in-part of 07/678129, which is a continuation-in-part of 07/415283, filed 8/30/89, now abandoned. - -

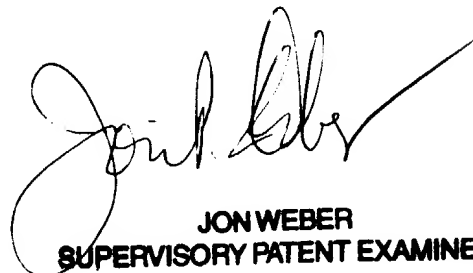
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lukton whose telephone number is 571-272-0952. The examiner can normally be reached Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon Weber, can be reached at 571-272-0925. The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600.

De Lukton 11/22/04


JON WEBER
SUPERVISORY PATENT EXAMINER